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ZNR UUUUU ZZH
P 250905Z MAY 07
FM AMEMBASSY BUJUMBURA
TO RUEHC/SECSTATE WASHDC PRIORITY 0304
INFO RUEHXR/RWANDA COLLECTIVE
RUEHLGB/AMEMBASSY KIGALI 0011
RHMFISS/CDR USEUCOM VAIHINGEN GE
RHEFDIA/DIA WASHDC
RUEKJCS/SECDEF WASHDC

UNCLAS BUJUMBURA 000376

SIPDIS

SENSITIVE
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DEPT FOR AF/C

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [PINR](#) [PREL](#) [BY](#)
SUBJECT: BURUNDI'S RADJABU TO GO TO COURT MAY 29

REF: A. BUJUMBURA 327

[1](#)B. BUJUMBURA 65

[1](#)1. (U) Summary. Burundi's National Prosecutor on May 22 presented to former CNDD-FDD chairman Hussein Radjabu's attorney a list of charges against Radjabu following his April 27 arrest. Radjabu is expected to go to court May 29. This session follows an extensive search of Radjabu's home on the evening of May 18, when members of the National Police removed items belonging to the CNDD-FDD. During the search, during which Radjabu was present, the police took his attorney into custody for questioning and released him several hours later. Nonetheless, so far, UN observers are satisfied that due process is being followed. End Summary.

[1](#)2. (U) Burundi's National Prosecutor presented to Hussein Radjabu's attorney on May 22 the list of charges to be brought against the former CNDD-FDD party chairman. Radjabu has been incarcerated at Mpimba Prison since his April 27 arrest for "intent to disrupt national security through an armed rebellion." In the May 22 session, the National Prosecutor informed Radjabu's legal advisor, that he must appear in court on May 29. In keeping with Burundian law, neither the National Prosecutor nor Radjabu's defense attorney may divulge the contents of the charges against him before the May 29 hearing.

[1](#)3. (U) That session followed an extensive search of Radjabu's home on May 18. Approximately forty members of Burundi's National Police removed items claimed as property of the CNDD-FDD, Burundi's ruling party. The CNDD-FDD said Radjabu, who was removed from the party chairmanship on February 7 (Reftel B), could no longer keep cars and other items belonging to the party. In the May 18 search, officers from the National Police removed one CNDD-FDD vehicle, along with a telephone, computer printers, and other party-owned items found inside the house.

[1](#)4. The search was conducted in Radjabu's presence. In an effort to assure that due process was being followed, Burundian authorities allowed Radjabu to witness the search. The government invited observers from the UN and other human rights organizations to oversee the search. Escorted from Mpimba Prison by police, where has been held since April 27 awaiting a hearing, Radjabu arrived at his home at approximately 5:00 PM. He remained on the premises for the duration of the search, and was returned to Mpimba at 11:00 PM.

Attorney Handcuffed and Questioned

15. (SBU) According to UN observers and others on the scene, authorities presented a valid search warrant to Radjabu, who complained, nonetheless, that his attorney was not present. His attorney, Prosper Niyoyankana, arrived at the house at approximately 5:30 PM. Later that evening, while vigorously protesting the legality of the search, the police handcuffed Niyoyankana and took him into custody. According to one UN observer, the police "violently forced" Niyoyankana into a police vehicle, where he was subsequently taken to the Special Research Bureau ("Bureau Speciale de Recherche") of the National Police. After several hours of questioning, the police released him at approximately 11:15 PM that night.

16. (SBU) Comment. Although Radjabu's attorney, who is the younger brother of Burundi's Minister of Defense Major General Germain Niyoyankana, was taken into custody and questioned after contesting the search of his client's home, it appears that, so far, Burundi is following due process in Radjabu's case. In allowing him to be at the scene when his home was searched, Burundian authorities clearly indicated that they do not intend to give Radjabu any opportunity to later claim that he was the victim of a vendetta. The rough handling of his attorney notwithstanding, Burundi looks to be handling this sensitive case in a prudent, and mature, manner. End Comment.
MOLLER